

44151/2015-*pc*
2015-06-23

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JUDGMENT

iAfrica Transcriptions (Pty) Ltd

IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG DIVISION, PRETORIA)

CASE NO: 44151/2015

DATE: 2015-06-23

(1)	REPORTABLE: <u>YES</u> / NO
(2)	OF INTEREST TO OTHER JUDGES: <u>YES</u> /NO
(3)	REVISED.
<u>5/2/2016</u>	<u>[Signature]</u>
DATE	SIGNATURE

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In the matter between:

LAWYERS FOR HUMAN RIGHTS

Applicant

and

MINISTER IN THE PRESIDENCY

1st Respondent

MINISTER OF HOME AFFAIRS

2nd Respondent

MINISTER OF DEFENCE

3rd Respondent

MINISTER OF POLICE

4th Respondent

DIRECTOR GENERAL OF HOME AFFAIRS

5th Respondent

NATIONAL COMMISSIONER OF POLICE

6th Respondent

20 PROVINCIAL COMMISSIONER OF POLICE:

GAUTENG PROVINCE

7th Respondent

CHIEF OF THE NATIONAL SOUTH AFRICAN

DEFENCE FORCE

8th Respondent

J U D G M E N T

HIEMSTRA, AJ: The question I have to answer at this stage, is whether
this application is urgent, to such an extent that I should enrol and hear the
application, as such. I have carefully read all the papers and I have listened
30 to the submissions made to me. On a conspectus of everything that I have

heard and I have read, the factual situation is there was a possible abuse of power by the Provincial or National Commissioner of Police by issuing authorisation under Section 13(7) of the South African Police Service Act.

There is no evidence that this was a trend that is going to happen again, in the near future. There is no suggestion on the papers that the situation in the country is such, that it may be necessary at any moment to act in the same manner, whether it was lawful or not. This application, in effect, concerns an incident that occurred on the 8th of May 2015 and the applicant anticipate and believe that there is a reasonable apprehension that
10 it will, in the future, again and again transpire.

I have no reason to suspect that will happen. I find that the application is not urgent and it is therefore removed from the roll. As far as costs are concerned, the applicants are ordered to pay the respondents' costs on a party and party scale. The costs include the costs of two counsel and the costs of senior counsel, in the case of the 5th and 6th respondents.

COURT ADJOURNS

20 **APPEARING FOR APPLICANT:** **ADV KENNEDY**
APPEARING FOR RESPONDENTS: **ADV DIKOBÉ**